#### June 2, 2015

#### **EC Directors' Webinar**

1. Is this true that no new classrooms will be licensed but the pre-K school based classrooms that are currently certified Developmental Day can continue to serve students for the 2015-16 school year?

Please refer Policies Governing Services for Children with Disabilities Amended July 2014 NC 1506-1.7 Developmental Day Center Services for information regarding the state categorically appropriated funds for DDCs.

The information shared at the Region 7 and 8 Finance officers meeting was very brief regarding Developmental Day Center (DDC) funding. At that meeting, it was mentioned that the petition for a DDC rule change had not yet been approved, but it did look like the fiscal note would move forward.

The Child Care Commission did approve the DDC rule change petition fiscal note on May 11, 2015; however changes were made the rule change petition, and the updated rule now states (a) Developmental Day services shall be available for preschool children for a minimum of 8 hours per day, 5 days per week, and 12 months per year, except under the following circumstances:

- (1) In counties where no Community-Based Developmental Day Center operates, a Developmental Day program operated by the Local Education Agency may provide services for the 10 month school year (as defined by the State Board of Education).
- (2) If a Community-Based Developmental Day Center opens in a county where Developmental Day services are only provided by a Developmental Day program operated by the Local Education Agency, the Developmental Day program operated by the Local Education Agency may continue to provide services for the 10 month school year until the end of following school year. At the end of the following school year, all Developmental Day services in the county shall be available as described in Paragraph (a)

The Division of Child Development Early Education DCDEE states that the updated DDC rule change petition will be published in the June 15 NC Register. The rule change petition and fiscal note will also be posted on the DCDEE website in early June. Comments will be accepted June 15 - August 14 and the public hearing will be held on August 10. Comments may be submitted to: Dedra Alston, Rulemaking Coordinator, Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201. LEAs are encouraged to carefully review the updated DDC rule change petition and submit comments as appropriate.

2. In order for a parent to participate in a meeting by phone, is the parent required to sign the Invitation to Conference, indicating they agree to meet by phone, or are there other ways to document the parent's intent to meet by phone (case manager notes on invitations, etc.)?

The parent is not required to sign the invitation indicating they agree to meet by phone; however, it is always best practice to maintain a record of the parent's decision regarding how they choose to participate or not. Allow enough time in the pre-meeting planning process to allow the invitation to travel between school and home in order to provide time for the parent to respond in writing. Other

suggestions for documentation include: the phone log in the student's EC file; other relevant factors on the prior written notice "Parent participated by conference call", etc.

3. Policy states the required members must attend, however, a parent can attend by phone if indicated on the Invitation to Conference. Are related service personnel permitted to attend by phone?

NC 1503-5.4 Alternate Means of Participation (page 85 of Policies)

When conducting IEP meetings...the parent of a child with a disability and a public agency <u>may agree</u> to use alternative means of meeting participation, such as video conferences and conference calls.

The regulations do not indicate that the alternate means of participation is exclusive only to parents. Therefore, other IEP Team members may also participate by alternate means.

Remember the regulatory language that indicates the parties "must agree" to the alternative means. Therefore, the IEP Team meeting should be planned with time allowed for the agreement for alternative participation to be secured and the opportunity to re-schedule if the parties don't agree and a team member must be physically present.

4. When a student (e.g. High School student) refuses services or accommodations/modifications in general every day instruction, what is the procedure to continue to provide these services to the student

The scenario described above indicates that there is a changes in the student's progress which would require the IEP Team to meet and review and revise the IEP as necessary. Therefore, until the IEP Team can meet to review and revise the IEP, the accommodations have to be provided according to the IEP. Document carefully the times, classes, assignments, etc. in which the accommodation was offered and the outcome of the student's refusal. This will be key data collection for the IEP Team to consider. Be sure to include the student in the IEP Team meeting in order to problem-solve the refusal of the accommodation and the development of a more appropriate accommodation.

5. If an LEA would like to buy out a related services contract from an independent provider in order to hire the individual(s) as a school system employee, what fund sources can the district use to pay this buy out fee?

In consultation with Finance and Business Services, if the LEA's contract with the contracting agency has a buy-out clause and the LEA intends to hire the contractor as a school system employee, the recommendation would be to use local funds (non –categorical funds) to pay the buy-out fees. LEAs should be mindful that categorical funds (i.e. federal PRC 060 or 049, state PRC 032) intended for direct services to children with disabilities may not be used. Our Related Services consultants suggest developing your own contracts for use with agencies versus using the standard contract provided by the contract agency. Agency provided contracts often include a buy-out clause. This is a point for negotiation. If the LEA and contracting agency agree that a buy-out clause is appropriate, it can be inserted.

### 6. Are Related Service Providers (OT,PT,SLP, School Psy) eligible for EC Director training due to certification issues?

Per the memo that accompanied the application, "Additional space availability will be open to district level special education program specialist, to support capacity building." This does not eliminate any district special education program staff whom a Director deems appropriate to attend the training.

Licensure requirements are as follows: Requirements for Exceptional Children Program Director licensure include: hold a master's degree in special education or a related field, complete an additional nine hours of graduate course credit, obtain a passing score on the Education Leadership (0410) PRAXIS examination and obtain a recommendation by a local education agency.

<u>Please see the attached memo and application for more information.</u>

## 7. Is it too late to get funded for a new start for a Developmentally Delayed (DD) classroom up? If an LEA already has a DD site, but wants to add classrooms at another site, can we?

For the 2014-2015 school year, all funding requests had to be in to NC DPI by May 15, 2015, so it is too late to get DDC funding for this year.

To get another classroom certified as a Developmental Day Center (DDC) in another location in an LEA, the classroom must first be licensed as a child care center with a 4 or 5 star rating through the Division of Child Development Early Education (DCDEE), and then DCDEE can complete additional observations and certify the classroom as a DDC. Once a classroom is certified as a DDC, an LEA can request DDC funding for the 2015-2016 school year (2015-2016 DDC applications are due on or before September 15, 2015). In regards to the proposed petition for a DDC rule change, to require all certified DDCs to be open 12 months a year, 5 days a week, 8 hours a day, at this time the proposed petition for a DDC rule change has not yet been accepted by the Child Care Commission.

#### 8. To whom do we send the Combined Expenditure Report?

They should be submitted to Sherry Thomas (sherry.thomas@dpi.nc.gov) and cc'd to Kelly Breest (kelly.breest@dpi.nc.gov).

#### 9. Can Dyslexia be considered for OHI?

No, it cannot. Dyslexia is clearly listed under Specific Learning Disabilities in the Federal Register (300.8) and NC Policies Governing Services for Children with Disabilities (NC 1500-2.4).

## 10. Please confirm that schools are still using the terms "eligibility" and not "diagnosis" for EC placement decisions.

Yes, educational settings should be determining "eligibility" and not making "diagnosis" and not using these terms interchangeably. Schools should identify services by determining eligibility.

### 11. What link will give me more information on the New Directors Leadership Institute?

There is not a link; this information was originally sent through the EC Division listserv. The information is attached here.

# 12. Where can I find information on submitting the End of Year Report for the AU Problem-Solving team action plan?

All of the information can be found on the wiki, including the form to submit the EOY reports and the form to request funding for the next school year. The wiki can be found at: <a href="http://ncautismteam.ncdpi.wikispaces.net/">http://ncautismteam.ncdpi.wikispaces.net/</a>